principles, ought to be adopted so that justice will be done in accordance with the truth established. It is a matter of common knowledge that there are differences in observing powers, resulting from differences in the natural and intellectual culture of the observer, and why should not a rigid examination be made into these differences, even when they are not directly in issue, for the purpose of ascertaining their true causes? The able judge through long experience soon learns how to unravel opposing and conflicting testimony and how to see through subterfuges, in perceiving the difference between an honest embarrassment and a conscious falsehood. Yet there is much hidden from him, unless specially trained or counselled by experts. The spirit of the age is toward expertism, and why should it not be in law? Why should law be the only science to follow the trodden path of the past?

"Law is essentially the creation of the popular mind; it is founded on the common sense of the people. Although this is true, there is no reason why an efficient and thoroughly scientific method cannot be adopted in trial procedure for the purpose of establishing the truth, which is the object of evidence."

J. W. G.

The Movement for Legal Reform.—"The movement for legal reform continues to grow. From Illinois we hear a demand for a majority verdict of the jury. From Georgia there is a request that cases on appeal be decided without reference to technicalities. In Massachusetts they want shorter trials; in Colorado more courts; Oregon is discussing an amendment to its constitution providing for the manner of deciding causes in the appellate court, while California and Indiana are heard with the old complaint of the law's delay. But all these complaints, in some form or other, have been heard for a time sufficient for their permanent establishent as proper subjects, of concern and we presume, will be heard for the remainder of our natural lives, and probably thereafter. It is a fact, however, that many of the states are accomplishing wise and useful reform in legal procedure. Such reform is observed where the people have the habit of doing things as distinguished from intending to do them, and because they recognize an improvement when they see it, we expect other states will follow in the footsteps of the progressive ones—we mean legal progressiveness.

"In those states which complain of delay it is noticeable that the demand for speed is generally confined to the criminal courts, although to an observer living the simple life it appears that the delay which is injurious to the business of the country, and, consequently, to the people, is the delay in the disposition of civil actions rather than in criminal prosecutions. In nearly all, if not all, criminal courts a prisoner who is not out on bail must be tried at the next term of court after he is indicted, unless it appears that the interests of justice demand otherwise; and, if he is out on bail, he will be tried when his case is reached in its regular order, which, generally speaking, is quite promptly. In either case no real harm is done. It seems that our Bay State friends have hit it right when they say that criminal trials should be made shorter. But the great delay in civil causes has given trouble all over the country. It is nothing unusual to see from the records of our courts that cases have been pending anywhere from three to ten years. There seems to be no actual reason why things should be so, but they are. That this condition of

affairs should be remedied is without doubt, and that it will only be remedied when the members of the bar take it upon themselves to provide and insist upon a remedy seems to be equally clear.

"A few causes of complaint that we do not see mentioned, but which we think are worthy of attention, are the following: In the minor courts of some states the justice or magistrate presiding has to depend for his fees on the litigants. If he decides for the plaintiff, and the defendant is obliged to pay the costs before he can appeal, the magistrate gets his fees; if he decides for the defendant, and the plaintiff is not a person from whom the costs can be collected, the magistrate does not get his fees; and in those states it is common practice to pester individuals by attaching wages, issuing writs, and generally by putting defendants in such a plight that they must appeal, or pay something, or both, for the sole purpose of providing the magistrate or other minor officer with the wherewithal. Why not reform them? Then there is the contingent fee system. It seems that it should be reformed, and that, when reformed, counsel should be protected by the courts. The charging of contingent fees has not only been approved by practically all the states in the Union, but it is a necessity because of the fact that it provides the only means by which many persons can proceed in courts of law for the establishment of their rights. But at the present time, notwithstanding the right to enter into an agreement for a contingent fee, the lawyer is practically at the mercy of the parties to the action, and where, after action is brought, the spirit moves the defendant to settle, and the needy plaintiff to accept, the lawyer has had his trouble for his pay. This, of course, is not true in all states, and, as we see it, should not be true in any. Another matter which would not interfere with the rights of justice at all, and would probably be worth considering, is the necessity of reminding certain prosecuting officers that "it were better that ten guilty ones go free than that one innocent person should suffer."—*Law Notes,* January, 1911. J. W. G.

Popular Discontent With the Administration of the Criminal Law.—Hon. Frank J. Loesch in an address on the occasion of a banquet of the Illinois Bar Association on February 16 discussed, among other things, some of the causes for the popular discontent with the administration of justice in the United States. These causes, said Mr. Loesch, could be grouped under the following heads:

"First: The uncertainty of the law.

"Second: The break-down in the administration of the criminal law.

Third: Dissatisfaction with the law of master and servant.

"Fourth: Impatience of business men with the dilatoriness and expense of jury trials in civil cases and the adherence to rules of evidence out of keeping with modern systematic business methods.

"Fifth: The political power vested in our courts as one of the three coordinate branches of our federal and state governments respectively.

"Time forbids much elaboration of any of these criticisms.

"The development of the natural resources of the United States within the past quarter century, and the expansion of interstate and foreign trade and commerce has made business and professional man acutely sensible of the variety of modern statute laws upon many subjects recently coming within